



RCE  
IPW

PTO/SB/30 (09-04)

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# Request for Continued Examination (RCE) Transmittal

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Application Number	09/773,452
Filing Date	January 31, 2001
First Named Inventor	Timothy D. Neveu
Art Unit	3714
Examiner Name	Coburn, Corbett B.
Attorney Docket Number	37090-2002

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☒ Other Amendment After Final Under 37 CFR 1.116 filed April 22, 2005 (unentered)
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☐ Deposit Account No. 50-1213. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 1,690.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<u>David A. Hall</u>	Date	<u>June 15 2005</u>
Name (Print/Type)	David A. Hall	Registration No.	32,233

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<u>Michelle Melendez</u>	Date	<u>6/16/05</u>
Name (Print/Type)	Michelle Melendez		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Neveu et al.

Serial No.: 09/773,452

Filed: January 31, 2001

Cust. No.: 33123

For: *GAME PLAYING SYSTEM WITH  
ASSIGNABLE ATTACK ICONS*

Art Unit: 3714

Examiner: Coburn, Corbett B.

**CERTIFICATE OF MAILING  
PURSUANT TO 37 CFR 1.8**

I hereby certify that this correspondence and the attached papers are being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated below in an envelope addressed to:

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P.O. Box 1450  
Alexandria, VA 22313-1450

6/16/05  
Date

*Michelle M. M. M.*  
Signature

**SUBMISSION ACCOMPANYING  
REQUEST FOR CONTINUED EXAMINATION (RCE)**

Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This Submission is provided with the accompanying Request for Continued Examination in connection with the Notice of Appeal filed January 26, 2005 and in response to the Advisory Action mailed May 4, 2005. Attached to this submission is a copy of the Amendment After Final filed April 22, 2005. In the Advisory Action of May 4, 2005, the Examiner indicated that the Amendment After Final raises new issues and would not be entered. With this Request for RCE, Applicants request entry of the Amendment After Final and request examination of the amended claims.

It is submitted that the amended claims define over the art of record. It is asserted that the claims are in condition for allowance.

*Neveu et al.*  
*Serial No. 09/773,452*  
*Submission accompanying RCE*

Any fees that may be due in connection with the filing of this paper, or during the entire pendency of this application, may be charged to Deposit Account No. 50-1213.

Respectfully submitted,  
Heller Ehrman LLP

By: David A. Hall  
David A. Hall  
Registration No. 32,233

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